

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Add Section 1.18
Title 14, California Code of Regulations
Re: Bay-Delta Sport Fishing Enhancement Stamp

- I. Date of Initial Statement of Reasons: January 27, 2004
- II. Date of Final Statement of Reasons: April 5, 2004
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: March 5, 2004
Location: Redding, CA
 - (b) Discussion/Adoption Hearing: Date: April 2, 2004
Location: Sacramento

IV. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting these Considerations:

1. William F. Hagen, 3/26/04, email.

Questions why the "bay-delta" extends up to Red Bluff.

Department Recommendation/Analysis: The name of the Bay Delta Sport Fishing Enhancement Stamp is confusing. The boundaries where the stamp is required extend into all major tributaries that are accessible to anadromous fish. Funding derived from the stamp will be applied to fishery enhancement projects throughout the stamp's geographic range, not just the bay and delta areas.

2. Bob Strickland, United Anglers, 4/2/04, oral testimony.

Expressed concern that the citizens advisory committee was not yet formed. Also recommended that the stamp should be exempt for the one- and two-day licenses.

Department Recommendation/Analysis: The Department is in the process of developing criteria for advisory committee members. An application process is expected to be in place by May 2004. The Director will review applications and appoint a nine-member committee. The legislative intent of the advisory

committee is to review proposals and recommend actions relative to various sport fishing enhancement projects. Funds from the stamp are expected to be available July 2005. In addition, current proposed legislation, if enacted, will exempt one- and two-day licenses holders from the requirement of purchasing a Bay Delta Sport Fishing Enhancement Stamp.

VI. Location and Index of Rulemaking File:

A rulemaking file with attached index is maintained at:

California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

VIII. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: No Alternatives were identified.
- (b) No Change Alternative: The changes are necessary to clarify the regulations, and eliminate unnecessary restrictions.
- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

IX. Impact of Regulatory Actions:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of

California businesses to compete with businesses in other states. This action clarifies geographic boundaries of a fishing stamp required by legislation and places no additional economic burden on California businesses.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

Updated Informative Digest/Policy Statement Overview

During its December 3, 2003 meeting the Commission adopted emergency regulations that defined and clarified the geographic range for the Bay-Delta Sport Fishing Enhancement Stamp that conformed with the area identified in recently enacted legislation. The regulation required expedited action under emergency authority of the Commission to enable Title 14 regulations to be effective when the enacted legislation was to take effect on January 1, 2004. The regulations adopted by the Commission under emergency authority are effective for 120 days. The Department is now proposing that the regulations adopted as an emergency action be made permanent with additional clarification of area boundaries for San Francisco Bay and San Pablo Bay.

The Department is proposing to clarify the geographic range of San Francisco Bay and San Pablo Bay by indicating they include all tidal waters, sloughs, canals and forebays within the area east of Highway 101, south of Highway 37, west of Highway 29, west of Interstates 80 and 880, and north of Highway 237 including the Napa River below the Trancas bridge in Napa, Sonoma Creek below the Highway 121 bridge, and the Petaluma River east of Highway 101. The inclusion of specific landmarks that identify boundaries where the Bay Delta Fisheries Enhancement Stamp is required will eliminate confusion of the vague boundaries in current regulations.

The Fish and Game Commission certified (adopted) the proposed regulation on April 2, 2004.

Section 1.18, Title 14, CCR, is added to read:

1.18 Bay-Delta Sport Fishing Enhancement Stamp

A person shall not sport fish in the tidal waters of San Francisco Bay east of the Golden Gate Bridge, and San Pablo Bay bays east of the Golden Gate Bridge and west of the Carquinez Bridge, (i.e., all tidal waters, sloughs, canals and forebays within the area east of Highway 101, west of Highway 29, west of Interstates 80 and 880, and north of Highway 237, including the Napa River below the Trancas bridge in Napa, Sonoma Creek below the Highway 121 bridge and the Petaluma River east of Highway 101), the Carquinez Strait, the Sacramento-San Joaquin Delta (i.e., all rivers, sloughs, canals, cuts, forebays, and flooded islands within the area south of Highway Interstate 80, west of Highway 99, north of Highways Interstates 580, and 205, and Highway 120, and east of Highway Interstate 680), the Sacramento River below Keswick Dam, the Feather River below Oroville Dam, the Yuba River below Englebright Dam, the American River below Nimbus Dam, the Cosumnes River west of Highway 99, the Mokelumne River below Camanche Dam, the Calaveras River below New Hogan Dam, the San Joaquin River below Mendota Dam, the Stanislaus River below Goodwin Dam, the Tuolumne River below La Grange Dam, and the Merced River below Crocker-Huffman Dam, unless he or she first obtains, in addition to a valid California sport fishing license and any applicable stamp issued pursuant to Section 7149 or 7149.05, a Bay-Delta Sport Fishing Enhancement Stamp and affixes that stamp to his or her valid sport fishing license.

Authority cited: Sections 200, 202, 240, 1050 and 7360, Fish and Game Code.

Reference: Sections 200, 202, 205, 206, 240, 713, 1050, 1055, and 7360, Fish and Game Code.